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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,127	07/16/2003	Theodore James Myers	1033-A00498-C1	1949
60533 7590 09/05/2007 TOLER SCHAFFER, LLP 8500 BLUFFSTONE COVE SUITE A201 AUSTIN, TX 78759			EXAMINER DOAN, PHUOC HUU	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 09/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/621,127

**Applicant(s)**

MYERS ET AL.

**Examiner**

PHUOC H. DOAN

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-33 and 36-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-33 and 36-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 112*

2. Claims 18-40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

*As to claim 18, 31, 38, Claim(s) limitation such as "a graphical user interface to receive user inputs to define a user zone, the user zone comprising a desired area of operation to subscribe to wireless service option; wherein the mobile .... user zone to a network....". The claims limitation was not supported by original specification. See the specification in par. [0019], [0021]. The meaning of the specification are not the same meaning in claim limitation and unclear; for example "to transmit vector*

*information related to the user zone" as describe above. The correction is required in appropriate.*

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 18-30 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant argues on remarks of Pre-appeal based on the prior art of Owensby (US Pub No: 2002/0077130) in view of Sato (US Patent No: 6,009,403). However, the new art of Seppanen (US Patent No: 5,903,832) in combined with Owensby has been applied. Therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **18-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme (US Pub No: 2003/0182052) in view of Seppanen (US Patent No: 5,903,832).

As to claim 18, DeLorme discloses a mobile terminal (portable IRMIS PDA 102) for a wireless communication system comprising: a graphical user interface “page 7, par. [0061” to receive user inputs to define a user zone (page 5, par. [0049-0050]); wherein the mobile terminal is adapted to transmit vector information “page 7, par. [0065] vector data” related the user zone to a network controller within said wireless communication system (page 5, par. [0044]).

However, DeLorme does not disclose the user zone comprising a desired area of operation to subscribe to wireless service option.

The same field of endeavor, Seppanen discloses the user zone comprising a desired area of operation to subscribe to wireless service option (col. 8, lines 55-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a desired area of operation to subscribe to wireless service option as taught by Seppanen to the system of DeLorme in order to provide a simple and efficient user interface enabling a user to manage, prioritize, and more option for communicating through various systems.

As to claim 19, Seppanen further discloses wherein the user zone comprises a desired area of operation of the mobile terminal for a temporary duration (col. 9, lines 25-35).

As to claim 20, DeLorme further discloses wherein said vector information comprises at least one radius or distant vector with respect to said mobile terminal location (page 8, par. [0070-0071]).

As to claim 21, DeLorme further discloses comprising a stylus or keypad input device for inputting said user inputs (page 7, par. [0060]).

As to claim 22, DeLorme further discloses a mobile terminal according to claim 18 wherein said mobile terminal is adapted to receive location information related to a location of the mobile terminal wherein the graphical user interface is adapted to display a map in response to the location information (page 7, par. [0064]).

As to claim 23, DeLorme further discloses wherein said location information is received at said mobile terminal from said wireless communication system (page 8, par. [0070]).

As to claim 24, DeLorme further discloses that comprising a GPS receiver (page 7, par. [0066]) and wherein said location information is provided by said GPS receiver (page 8, par. [0072]).

As to claim 25, DeLorme further discloses wherein the graphical user interface is operable to display a map including street and landmark information (page 18, par. [0144], page 25, par. [0199]).

As to claim 26, DeLorme further discloses wherein the user input is input by at least one of a track ball, touch screen, light pen, mouse, keypad or stylus (See page 7, par. [0060]).

As to claim 27, Seppanen further discloses wherein said mobile terminal is adapted to transmit a request for communication services within the user zone (col. 9, lines 45-58).

As to claim 28, DeLorme further discloses wherein the user inputs define at least one user selected vector that represents a radius defining a circle about said mobile device (page 23, par. [0184]).

As to claim 29, DeLorme further discloses wherein said request includes a request for voice and data communication service (page 11, par. [0096]).

As to claim 30, Seppanen further discloses wherein said request for communication services is transmitted to a plurality of network controller each associated with a communication service provider (col. 8, lines 50-58).

7. Claims 31-33, and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme in view of Oppermann (US Pub No: 2006/0116507).

As to claim 31, 38, DeLorme discloses a method of requesting communication services by a user within a user defined user zone, the method comprising: determining a location of a mobile terminal of a user by receiving GPS data at said mobile terminal (page 7, par. [0064]); providing a display map related to the location for user interaction (page 7, par. [0065]).

However, DeLorme does not disclose defining a desired area with respect to the location in response to the user interaction transmitting information related to the desired area to at least one wireless communication service provider and receive from at least one wireless communication service provider wireless communication services within said desired area (See page 2, par. [0013-0014], page 3, par. [0019]).

In the same field of endeavor, Oppermann discloses defining a desired area with respect to the location in response to the user interaction transmitting information related to the desired area to at least one wireless communication service provider and receive from at least one wireless communication service provider wireless communication services within said desired area (See page 2, par. [0013-0014], page 3, par. [0019]).



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide of defining a desired area with respect to the location in response to the user interaction transmitting information related to the desired area to at least one wireless communication service provider and receive from at least one wireless communication service provider wireless communication services within said desired area as taught by Oppermann to the system of DeLorme in order to not limited to subscribing and a range of service providers.

As to claim 32, Oppermann further discloses comprising transmitting the mobile terminal a request for data transmission services to at least one wireless communication service provider (Fig. 1 with description, page 2, par. [0013]).

As to claim 33, DeLorme further discloses wherein defining a desired area includes referencing at least one user selected vector representing a radius defining a circle of service from the location of the mobile terminal (page 20, par. [0158]).

As to claim 36, Oppermann further discloses wherein determining a location of said mobile terminal includes receiving location information at said mobile terminal from the at least one wireless communication service provider (page 1, par. [0010]).

As to claim 37, DeLorme further discloses wherein defining a desired area includes inputting at least one user selected vector on a display map (page 18, par. [0144], page 25, par. [0199]).

As to claim 39, DeLorme further discloses wherein the location information comprises a map (See Fig. 1A5 with description, page 8, par. [0071]).

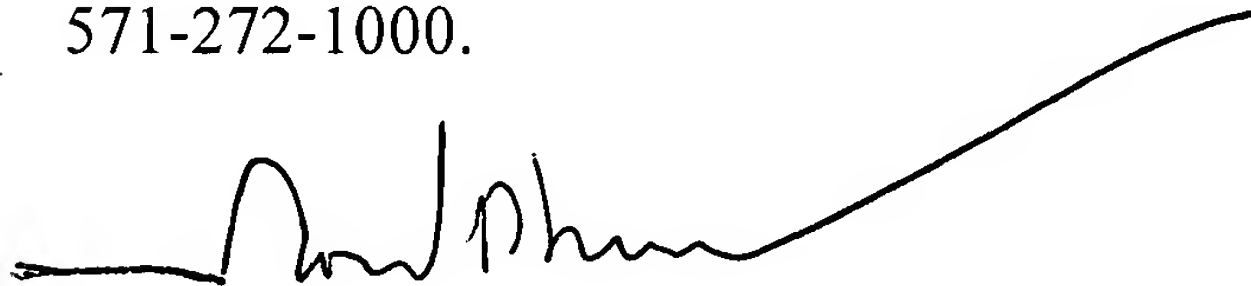
As to claim 40, Oppermann further discloses wherein the desired user zone is independent from a location of the communication device (page 1, par. [0010]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH FEILD can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Patent Examiner  
Phuoc Doan  
08/28/07

**JEAN GELIN**  
**PRIMARY EXAMINER**

